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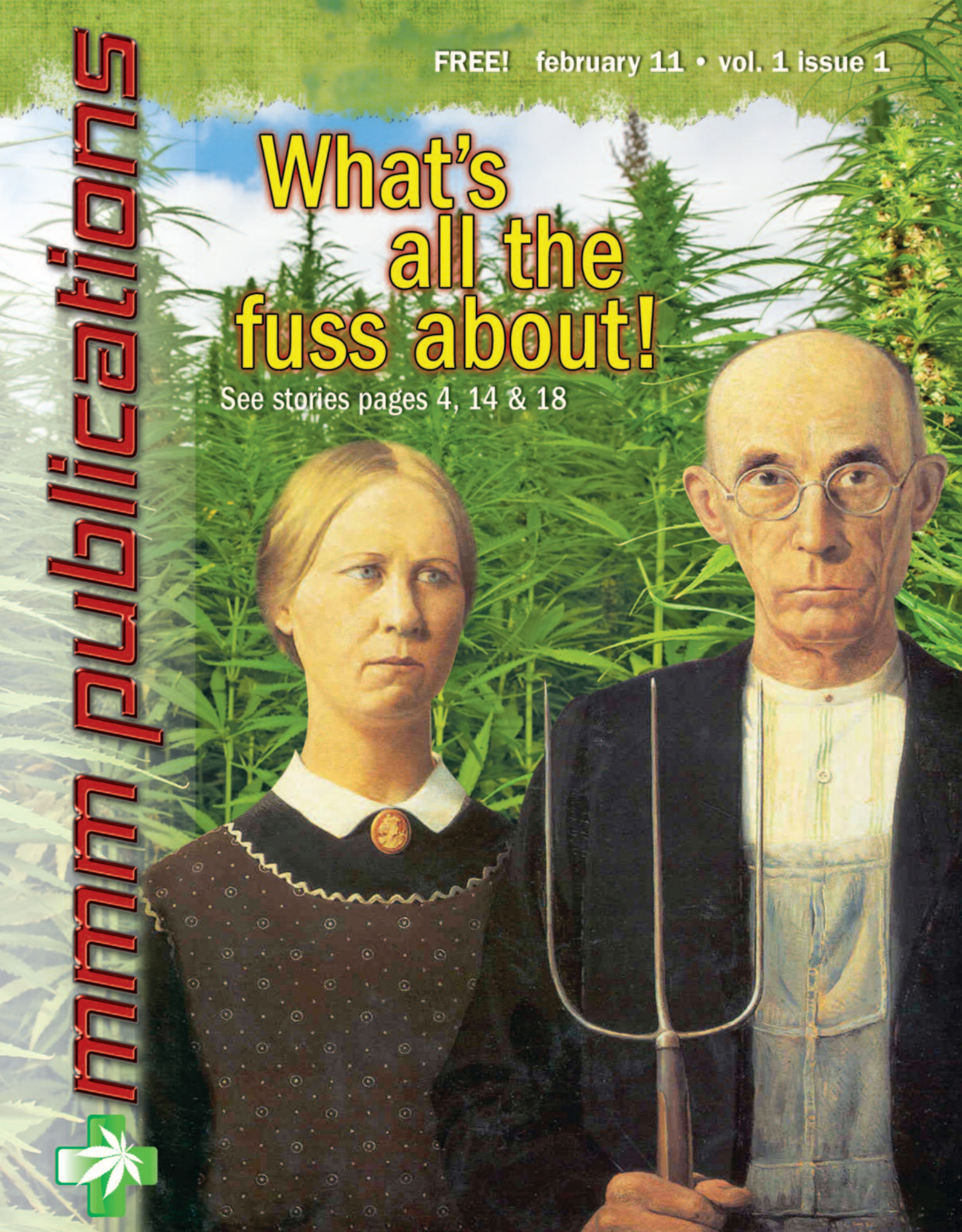
mmm publications

What's all the fuss about!

See stories pages 4, 14 & 18



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What's all this fuss!

Ben Horner

So what's all this fuss about the Michigan Medical Marijuana Program? Just open a newspaper, magazine or tune into a local newscast and you will enter the twilight zone of gray fog regarding the subject. Separating the fact from fiction is so difficult; with so much spin and everyone with an agenda who can you trust to give a straight answer? We here at the Michigan Medical Marijuana Report hate bullshit, and we love pot. So it's only natural that we would make it our mission to give you the Straight Dope.

Back in the years leading up to the historic vote, few knew how dramatically the act of 2008 would impact all of the citizens of our great state of Michigan. Patients and caregivers, growers and smokers now have come out of the closet and are medicating proudly, while many others are leery and untrusting. Fear of what was previously deemed unquestionably illegal is now fueled by perpetual propaganda in the mainstream media. With so much "gray area" in the law, and a completely underfunded state agency that oversees the Michigan Medical Marijuana Program, it is no surprise that many are confused. Let's try to clear up some of that fog, shall we!

You can except us to give you intelligent articles regarding these important issues. Each month we will deliver the facts about medical marijuana and your rights, or lack thereof. Don't worry though. It's not all fire and brimstone. Our goal is to give you the straight dope in a way that you can enjoy- For Free! You can count on sexy juicy buds, helpful grow tips, yummy recipes, unjaded news and of course hot babes!

Most importantly, we are all about the readers, so let us know what you want to see and hear about. Help us find out what this fuss is all about and remember we here at the Michigan Medical Marijuana Report are committed to giving you the straight dope.

"Schuette" ing down our right to privacy:

A.G. Aims to release medical marijuana records

The best con men are those that smile in your face while they stab you in the back. You remember the leader of the anti-medical marijuana movement, Bill Schuette? The one who helped produce the commercial showing two teens running out of a dispensary and knocking an old lady down in mid-dash. Well now Mr. Schuette has been elected as the state's top cop, the Attorney General on the Republican ticket, and his true schemes against the medical marijuana movement have already begun to stink up our capitol.

Dig this, recently it has been reported by all the local papers that seven people in the local Lansing area are being investigated by the DEA. The DEA wants their confidential medical marijuana records from the Michigan DCH, the Department of Community Health, so they can bust them. I have to give props to the DCH, their spokeswoman, Kelly Neibel, told the DEA ,in so many words, to fuck off. Assistant U.S. Attorney John Bruha said Michigan state officials were "reluctant" to divulge any patient record or information without a judge's order. Now this happened last June, when Mike Cox was A.G. So, basically the issue was left for the next A.G. to deal with. This is where Schuette, and his sidekick Asst. A.G. Joshua Smith, come back into the picture.

> Schuette, if you recall, is infamously remembered as an outspoken leader of the anti-medical marijuana movement.

On January 12th, the dubious duo met in U.S. District Court to decide whether or not the DCH should follow the DEA's subpoena or if the patients' privacy was top shelf. Just to fill you guys in, the A.G. is suppose to uphold the laws of the state of Michigan and to protect the rights of all Michigan citizens from infringement. That being said, Schuette and Smith smiled in court, telling the judge that the patients have a right to privacy and confidentiality under the Medical Marijuana Act of 2008. Yet in a written statement the A.G. office stated that if a federal judge issued subpoena for the information, his office would enforce the law. In other words, the A.G. will force the DCH to give the information if the DEA gets the right paperwork.

Some of you out there might be asking how this is a stab in the back, not just of the members of our movement, but to the citizens of this state? I'll tell you. First off, if the judge in this case allows the DEA carte-blanch access to these records, it can be used as a precedent in other non-med marijuana cases; thus destroying the sanctity of the physician-patient relationship. But more importantly this flies in the face of the 2007 Oregon court case over the same matter. Here's where it gets a little tricky.

In Oregon , Judge Robert Whaley told the DEA that the information they were seeking was not only available from other state databases, but the pro-

gram rested on confidentiality. Since Oregon would be forced to break its own laws to provide the information, the DEA's subpoena was unreasonable. He finally said that " Oregon is a sovereign state," and while the federal law does supersede state law, it had already been ruled in previous court cases that states do retain sovereignty in issues where the federal government make silly requests that infringe on citizen's rights. Judge Whaley would not allow the subpoena to stand.

So then the question comes, if Schuette is suppose to be protecting the rights and privacies of Michigan citizens, why did he not mention this case during court proceedings. Simply referring to the history of previously tried cases can generally be used to help a judge decided whether a case is worth trying. If Schuette had but mentioned the Oregon case, then the judge may have motioned to dismiss this case. But remember, in his early career, Schuette used to be a judge in the State Circuit Courts and knows how to manipulate the system. The only reason Schuette didn't cite this case is so it can be retried in a U.S. District Michigan court. What Schuette has basically done is said to the DEA, I will support your efforts by allowing the Michigan taxpayers to retry this case. The hope here is that if the judge allows the release of this information, not only will the DEA be able to bust the seven under investigation, but that the decision would destroy Michigan 's MMP in the process.

Attorney Jesse Williams who represents Michigan Association of Compassion Clubs (MACC) and 42 other people being investigated echoed the sentiment saying, "The AG has a clear and unambiguous conflict of interest and applicants argue that he should immediately recuse himself from representing (DCH) in this matter." When the case came before U.S. Magistrate Judge Hugh Brenneman Jr. on January 12th, Williams managed to get the judgment withheld until February 1st. Since then two other pro-med marijuana groups, the Americans for Safe Access (ASA) and Cannabis Patients United (CPU) have also attempted to get involved in the court case, but have been denied due to complaints that the two groups had not acted quickly enough and did not bring any new arguments to the table. The motions are seen as a means to slow down an already delayed case instead adding any new information. Until then, those under investigation will retain their privacy.

This is an important legal battle, one that would not only destroy the very foundations of the medical marijuana program and patient-privacy rights, but of our state sovereignty. Not to mention that the only market boon Michigan 's economy has seen in years would also die. To give due credit, Schuette is a trustee for the Elsa U. Pardee Foundation, a group that seeks to find new ways to help cancer patients. Before it is too late, I hope Schuette would see that the Michigan MMP stands on the same line – to help.

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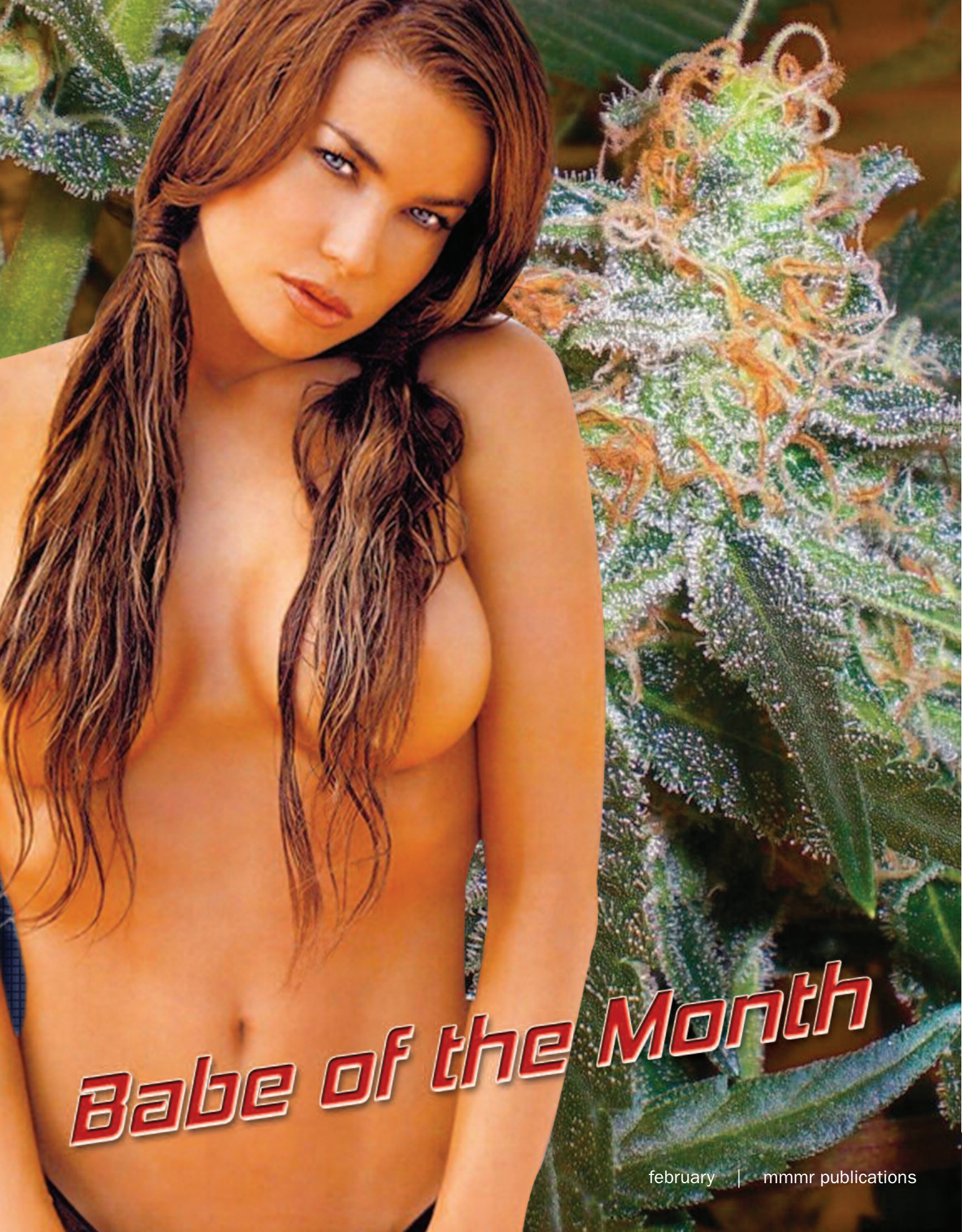
Instructions:

Finely chop cannabis (a coffee grinder works best). Lightly toast the shake in an ungreased frying pan for about a minute over medium heat. Melt the butter in a double boiler and add the marijuana. Keep the butter between 180° and 210° (checking often to prevent scorching) for about 40 minutes. Strain butter very well pressing the leafy material through a cheesecloth. Combine the butter, sugar, and milk in a sauce pan and bring to a slow boil for five minutes stirring constantly. Remove the mixture from the heat and quickly stir in remaining ingredients. Pour into a greased pan and chill. Stones 7-10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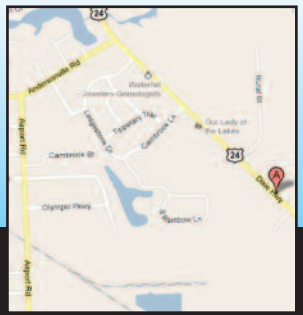

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Your guns, your weed and the law

If you are a medical marijuana patient and a believer in your second amendment right to bear arms, be aware that your rights you cherish are under threat. The question of whether or not a medical marijuana patient can legally possess a concealed weapons permit has recently been put on the table. With the myriad of gray areas in the current Medical Marijuana Act of 2008, it has been a difficult road mapping out the details, and few of us thought about access to other state programs.

The web blogs and medical marijuana websites that have explored this issue have led many to believe that as long as one is not intoxicated while possessing a weapon then the medical marijuana patient can indeed carry. However, this issue has not been fully eked out by the state. In Washington County, Oregon a local sheriff began denying registered medical marijuana patients concealed weapon permits because according to Oregon statute the CCW licensee is required to follow federal law. Due to the fact that marijuana is still federally sanctioned as a schedule one narcotic, the sheriff claimed that registered patients did not qualify. Further, he suggested that his office was charged to protect the interests and safety of the community, and

felt that known marijuana users to be a threat around weapons while intoxicated. Taken from the Michigan version of the same law 28.425b, Sec. 5b, (7)(n), could a CCW board use the same logic to deny applicants in this state?

"Issuing a license to the applicant to carry a concealed pistol in this state is not detrimental to the safety of the applicant or to any other individual. A determination under this subdivision shall be based on clear and convincing evidence of repeated violations of this act, crimes, personal protection orders or injunctions, or police reports or other clear and convincing evidence of the actions of, or statements of, the applicant that bear directly on the applicant's ability to carry a concealed pistol."

Fortunately the Oregon State of Appeals disagreed, citing that the sheriff was not of federal authority, and since both statutes pertained to state rights not federal, that the patients were allowed to reapply.

This DOES NOT mean that the state of Michigan will swing the gavel in that direction. According to the Michigan Government website, those who apply have to conform to federal mandates – including specifically MCL 333.7401 and MCL 333.7403. Three police officers, who wished to remain anonymous, told me plainly that they would arrest any individual they caught with a concealed weapon and marijuana – medical patient or no. One of them explained that not only would it fall under reasonable suspicion, but would be violation of current state law stipulating the possession of illicit drugs. Not to mention, as another office explained, if he caught an individual with an open beer the

same scenario would ensue. It is a matter of possessing weapon while under the influence of any mind-altering substance.

Out of the Genesee County Prosecutors' Office an unnamed source brought the same statement to light – federal law supersedes state law. Another source out of the Association of Prosecutors Attorney's said that this was one of the issues not yet addressed by the state, and that in the future this issue will be fought out in our state courts. Overall, while one could go with the "Don't Ask, Don't Tell," policy and get both credentials, one should be very skeptical about whether or not the state will, if the event should arise, respect both simultaneously.

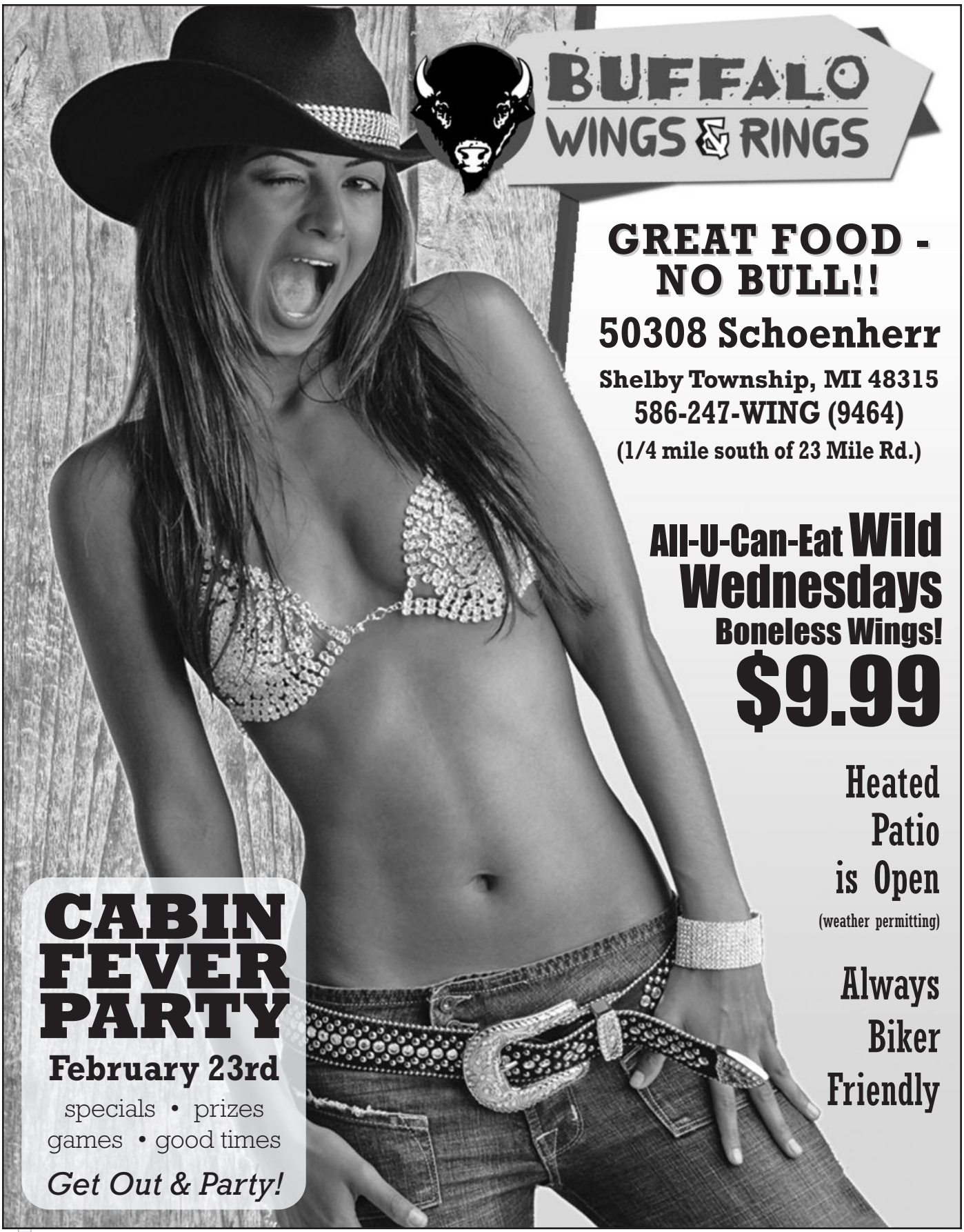
So what does the Michigan Firearms Act 372 of 1927, Public Act 381 (Effective July 1, 2001) and the Michigan Legislature HB6337, Public Act 719 (effective July 1, 2003) say about concealed weapons in the state of Michigan? Well it is quite long and should be read thoroughly by anyone looking to get a CCW/CPL. However here is a short version from a perspective that deals directly with our movement.

First, each license is issued by approval of a state appointed board. This board has the right to approve or deny your application based on a number credentials which include medical records. While the records are supposed to remain confidential and as an applicant you have a right to a closed session, due to the states explicit need to keep guns out of the hands of the mentally handicap or insane, medical records are considered and absolute must. Further, the act of omission may be construed as fraud. In other words, if you have a circumstance where your concealed weapon, medical marijuana, and police are in the scenario, if you have not revealed your total medical background, it would be considered perjury as one takes an oath when applying for such a privilege.

So let's say you apply and reveal that you are a medical marijuana patient (or caregiver). This board has the right to deny an applicant or suspend a license if "based on articulable facts that the applicant poses a danger to the applicant or to any other person." If the board of your particular county is strongly against the movement or if they see the medical marijuana as an illicit drug, they could legally cite this code and be well within their rights – at least initially. Again the courts will be the instrument used to suss out this matter fully.

Our state code also requires the licensee under 28.425b, Sec. 5b, (i)(x) to comply with MCL 333.7401, 7403, up to 333.7461. In essence this code requires the licensee to refrain from the possession, sale, trafficking, or use of illicit drugs as defined by the Federal Government under the Controlled Substances Act of 1970. Not to mention the back-up clause under (xxiv) of the same section which boldly states a licensee may not violate any "law of the United States, another state, or a local unit of government of this state or another state." Either way it would seem that our state CCW laws are tied directly with obligation to the licensee to follow federal law. Again, if you are caught up in a situation where the police are investigating the legitimacy of your CCW, you are, under section 5k, to submit to chemical analysis, where refusal to do so results in an automatic suspension of your license. While there are a myriad of punishments related to the use of alcohol and other drugs, the bottom line is that once the analysis is done, you would be subject to arrest.

As it is well known in the state of Michigan that medical marijuana found in the system of a legal patient cannot be used against them in a court of law for a driving infraction, no court precedent has been set regarding the possession of a weapon. To put it plainly, there is no legal recourse for a patient once in this predicament. The Michigan Medical Marijuana Act of 2008 does not offer any solution to this dilemma, and the only precedent that has been set is that those involved in narcotics, especially those considered schedule 1 under federal mandate, are not to be around weapons at all. That is the tragic truth and discrimination of our current position. We may have won a lot of battles in the last few years, but this war has just begun.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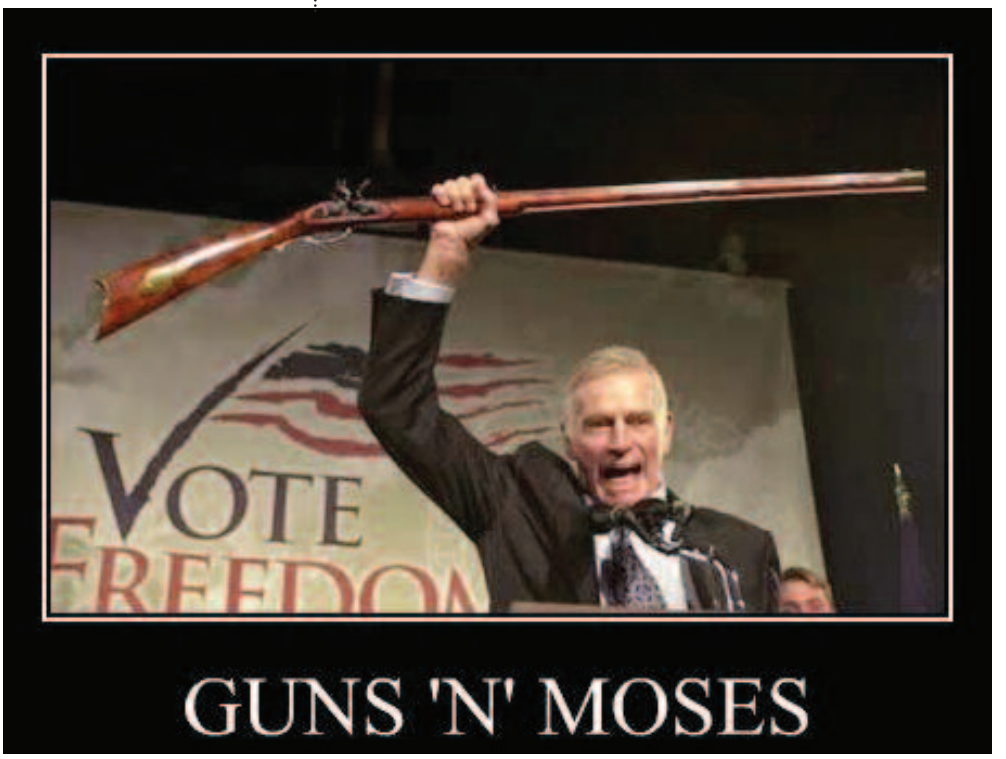
Where is Moses when you need him to part the way to clear and defined laws regarding possession of a CCW permit and a medical marijuana card?

I would be very skeptical about carrying my gun with a CCW and my medicinal marijuana. To get things right off, we all need to understand what the law says, and what the law does are two entirely different things. On one level, online sources state the same rules would apply to cannabis as they do to existing laws with alcohol – don't get high and play with your gun; pretty straight forward. The only problem is that unlike alcohol, cannabis is still considered a schedule one narcotic by the feds, and as part of CCW program, the licensee has to follow all federal laws, especially those surrounding drugs and the drug trade. So I decided to some calling around and found out some info you might find interesting.

This case was already tested in Washington County, Oregon when a local sheriff decided to juke local Oregon MMP participants from getting their CCW because, as he claimed, that due to their use of the drug they posed a risk to the community. Luckily the Oregon State of Appeals judge saw things a bit differently and put a leash the sheriff's authority. He ruled that since both are state programs the MMP members were in the right and patients were allowed to reapply.



However, in Michigan the gavel may not swing that way. The police officers I spoke to told me they would bust anyone who had a gun and some weed. One of them said it would be like catching someone with a gun and an open beer – reasonable suspicion. There is no way to prove the drug was in a sealed container while handling the weapon; especially since most cannabis is still transferred by plastic baggie or a medical pop-top.

Out of the Genesee County Prosecutors' Office my source brought the same idea to light – federal law is above state law. My source from the Association of Prosecutors of America agreed. He went on to say this was one of the issues not yet addressed by the state, and that in the future this issue will be fought out in our state courts.

In our law, an applicant is approved or den)ed by a local board, not a sheriff. Like`Oregon, this board has the power to deny an application, if they feel that the individual

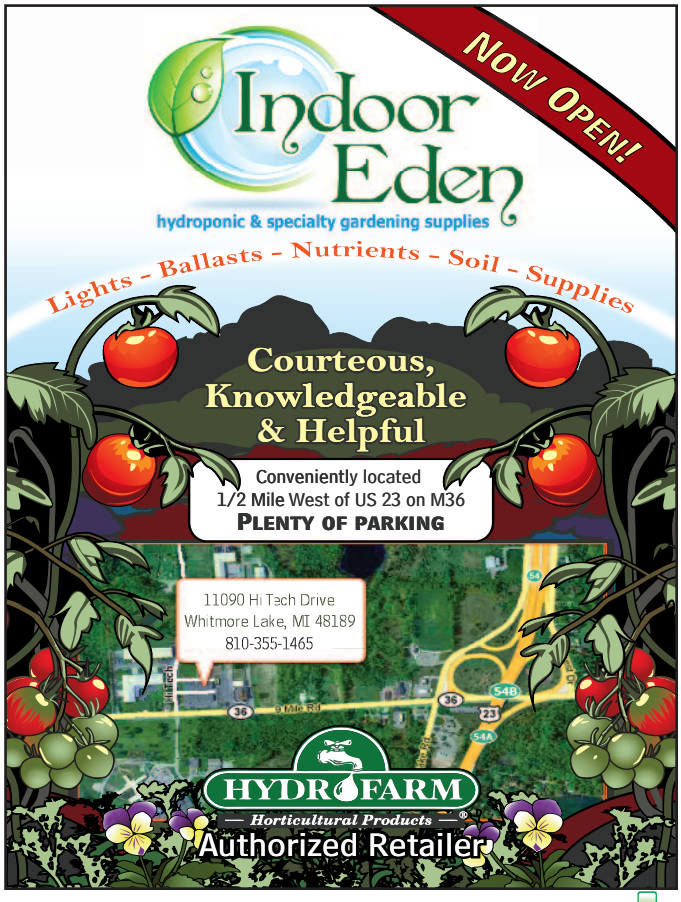
is a risk to the community or to him/herself. In an effort to keep the mentally handicapped from getting a hold of a gun, medical records are required. And in this state, when an applicant fills out paperwork they are held under oath – as in a court of law.

So here's the rub, if you admit your participation in Michigan's MMP and your local board is filled with the conservative type, they would have the right – at least for now – to keep you from getting your license. If you keep your mouth shut, then you have the potential of being charged with fraud or perjury, and thus suspended from the program anyway. While I guess you could go with the "Don't Ask, Don't Tell," policy and get both permits, one should be very skeptical about whether or not the state will, if the event should arise, respect both simultaneously.

On top of that, medical patient or not, you are obligated by the state CCW program to submit to a drug test, where if you refuse your booted from the program, and if you come up positive your booted - a catch-22. Again, if you test positive then you are not following federal law. Even lamer, if you truly were sober while exercising your second amendment rights, it won't matter because the blood test they take will prove you positive for weeks after your last toke.

Unlike the recent case where a driver was able to use participation in the medical marijuana program as a positive defense against a driving while intoxicated charge, no such case has been tried where the individual is part of two programs that legally conflict. It boils down to this, some person will get caught with a gun and a bag and find himself in a publicized trial, and until this case has been tried no one knows what will happen. Hopefully the courts will judge on the side of reason. For now we're stuck in the middle of a parted grey sea. Where is Charleton Heston when you need him?

For a more technical read of the laws and how they affect you, go to our web site at www.mmmrmag.com.



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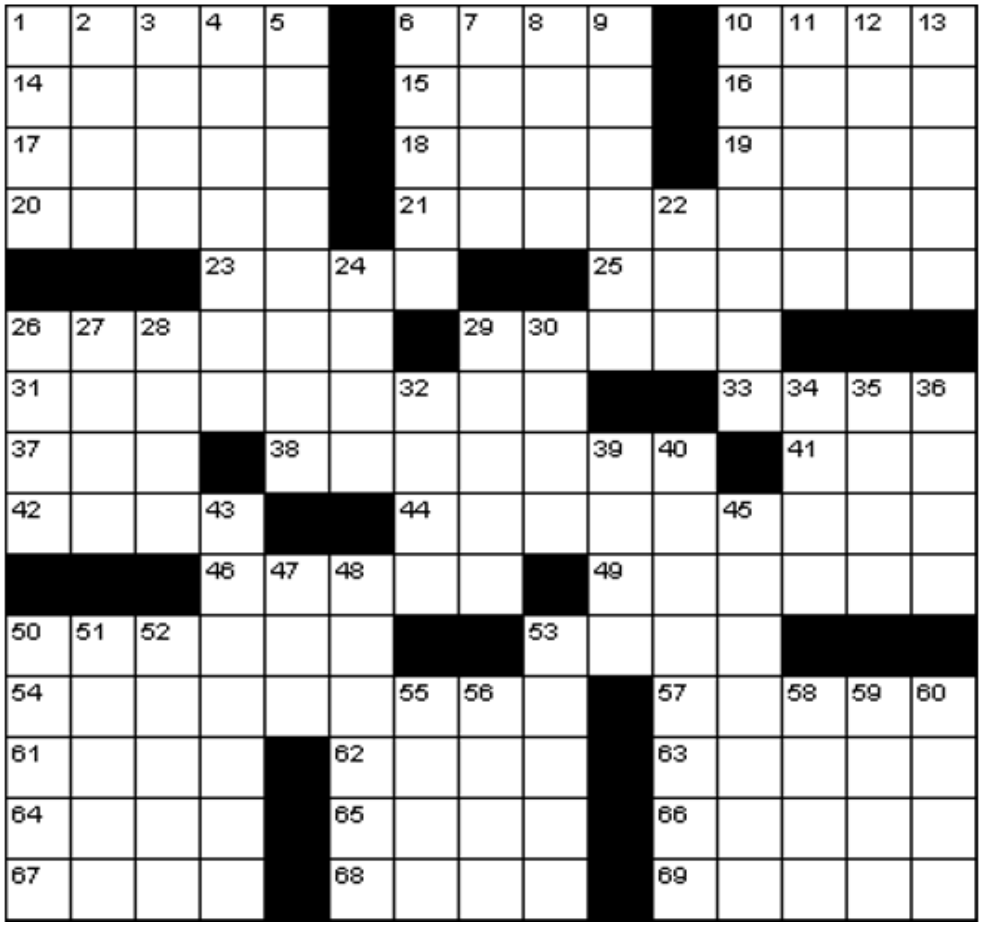


Across

1 Worship of Allah
6 Language of Pakistan
10 Petty quarrel
14 1920 Colette novel
15 Water source
16 German form of address
17 Marina sight
18 Belgian songwriter Jacques
19 Sole
20 Giverny painter
21 Means
23 __ Hari
25 Vouch
26 Hit
29 Poser?
31 Shipping label words
33 Swerves at sea
37 Mythical monster
38 Act
41 Discouraging word
42 Chinese pans
44 Without a definite purpose
46 River nymph
49 Chilean poet
50 French writer Rolland
53 Emolument
54 Deviation
57 Astound
61 Round ender
62 Disgusting
63 Not at all
64 Porker in pictures
65 Spheres
66 Stretch the neck
67 "__ no idea!"
68 Rent
69 Double curves

Down

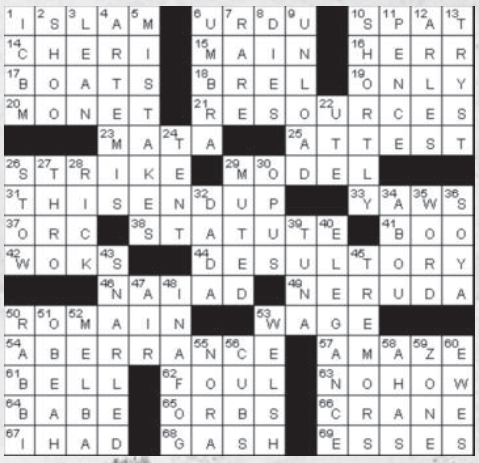
1 Weapon in a silo, for short
2 "Git!"
3 Spare
4 Twin sister of Apollo
5 Errors
6 Shadow
7 Lightly cooked
8 Fades out
9 Get rid of
10 Soon
11 Change at Heathrow?
12 Van Gogh residence
13 Assignation
22 Sporty truck, for short
24 Portable shelter
26 Put into the hold
27 Abbreviated preposition
28 "Casablanca" role
29 Toned down
30 Musical composition
32 Absurd art
34 "__ ben Adhem"
35 Scrabble play
36 Tofu base
39 Albacore or bluefin
40 Chic
43 Growled
45 Slight quakes
47 Ventilate
48 Clueless
50 Jewish scholar
51 West Indies magic
52 Opera singer Dame Nellie
53 British language
55 Mrs. Charles
56 Baby bears
58 Cries of discovery
59 Belt
60 Fleecy females

solution on page 22

jokes

A man walks up to a bartender and says "I'll bet you $50 I can pee into a beer keg without spilling a drop." The bartender takes the bet, and the man doesnt get a single drop in the keg. So the bartender starts smiling, but the man is laughing his head off. The bartender asks "Why are you laughing? You just lost $50." The man replies, "Do you see my friend over there? I bet him $500 that I could pee all over the floor and make the bartender smile!"

Two stoners are walking down the street and see a dog licking his balls. One says to the other I sure wish I could do that. The other stoner says you better get to know him better first.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23 M A 24 T A 25 A T T E S T
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31 T H I S E N 32 D U P 33 Y 34 A 35 W 36 S
37 O R C 38 S T A T U 39 T 40 E 41 B O O
42 W O K 43 S 44 D E S U L 45 T O R Y
46 N 47 A 48 I A D 49 N E R U D A
50 R 51 O 52 M A I N 53 W A G E
54 A B E R R A 55 N 56 C E 57 A M 58 A 59 Z 60 E
61 B E L L 62 F O U L 63 N O H O W
64 B A B E 65 O R B S 66 C R A N E
67 I H A D 68 G A S H 69 E S S E S

A blonde is in a store and sees a thermos. She picks it up and asks the clerk what it is. The clerk says, "It's a thermos. It keeps hot things hot and cold things cold." The blonde decides to buy the thermos. She brings it to work the next day. The blonde's boss (also a blonde) asks what it is. "It's a thermos. It keeps hot things hot and cold things cold," explains the blonde. "So what do you have in it?" asks the boss. The blonde answers, "Some hot chocolate and a popcicle."

I just cannot jeopardize my integrity as a doctor by prescribing medical marijuana.

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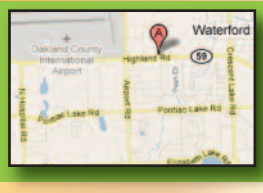

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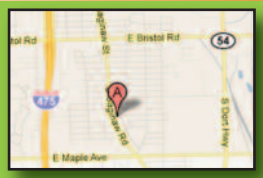

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